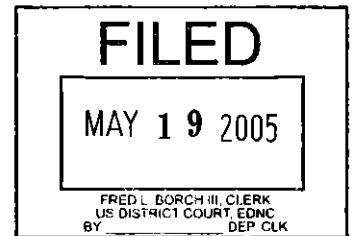


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION



NO. 5:04-CR-211-BO(1)

UNITED STATES OF AMERICA	)	
	)	UNITED STATES' MOTION FOR
v.	)	EXTENSION OF TIME TO SERVE WITNESS
	)	LIST IN OPPOSITION TO DEFENDANT'S
DAVID A. PASSARO	)	PUBLIC AUTHORITY DEFENSE

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves, to extend the time in which to serve its list of witnesses to oppose Defendant's public authority defense. In support of this motion, the government states as follows:

1. On May 11, 2005, Defendant served the government with his complete Statement of Public Authority Defense Witnesses, pursuant to Fed. R. Crim P. 12.3(a)(4)(B).

2. Pursuant to Fed. R. Crim P. 12.3(a)(4)(C) and this Court's order filed on February 4, 2005 (docket no. 86), the government has until May 20, 2005, to serve Defendant with its list of witnesses in opposition to a public authority defense. Fed. R. Crim. P. 12.3(a)(5) provides that "[t]he court may, for good cause, allow a party additional time to comply with this rule."

3. The government is currently in the midst of reviewing documents for its upcoming discovery production, as explained at the May 16, 2005 status conference, and seeks a 30-day extension of

SCANNED

1c: Boyle w/prop. order


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time, to June 20, 2005, to identify witnesses in response to Defendant's public authority defense witness list.

4. Defendant's counsel has advised the undersigned Assistant United States Attorney that Defendant opposes this request for an extension of time.

Respectfully submitted this 18th day of May, 2005.


FRANK D. WHITNEY  
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2005, I caused a copy of the foregoing to be sent by messenger to:

Thomas P. McNamara  
Federal Public Defender

  
Eric D. Goulian  
Assistant United States Attorney